

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE BARTER HOUSE, INC., et al.,

Plaintiffs,

-v-

INFINITY SPIRITS LLC, et al.,

Defendants.

17 Civ. 9276 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Earlier today, the Court received an *ex parte* letter from defendant Brian Hopkins, Ex. A, reporting that his counsel Andy Oh, Esq., passed away on January 14, 2020. The Court extends its condolences to Mr. Oh's family and friends.

In light of this news, the Court *sua sponte* adjourns the briefing deadlines for plaintiffs' motion for partial summary judgment. Accordingly, defendants' opposition, which had been due January 24, 2020, is now due on February 28, 2020, and plaintiffs' reply, if any, is due on March 6, 2020. Trial will proceed as scheduled. Mr. Hopkins is directed to retain successor counsel for the corporate defendants, which are required to be represented by counsel in order to proceed in this Court, *see Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007), and if he wishes, for himself. Successor counsel is to file a notice of appearance by February 14, 2020. Should successor counsel for the corporate entities not appear by that date, the Court will be obliged to enter a default judgment as to those entities.

To assure Mr. Hopkins's receipt of this order, the Court will email the order to him, in addition to filing it on the public docket of this case.

SO ORDERED.

A handwritten signature in blue ink, reading "Paul A. Engelmayer", is positioned above a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: January 30, 2020
New York, New York

EXHIBIT A

BRIAN HOPKINS

Cell: 416-833-3653

By Email

January 30, 2020

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Andy Oh

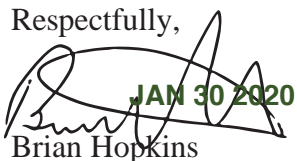
Dear Judge Engelmayer,

I sadly write this letter to notify your court that Mr Andy Oh has passed away unexpectedly on January 14th, 2020.

I was informed by another lawyer on January 24th, 2020 that he heard from another colleague that Andy may have passed way.

On January 27th, 2020, I received confirmntion from Andy's wife of his sudden passing and that they could not reach out to everyone due to the short period of time before the service.

Your Honor, with all due respect, it is a difficult time for his family and to respect their wishes, I am asking your Honor for permission to send the courts another letter Under Seal explaining how the cirumstances may reflect this case and why Andy Oh was not as actively pursueing the case (Case 1:17-cv-09276-PAE) as he normally would in the past. I look forward to your reply.

Respectfully,

JAN 30 2020
Brian Hopkins